

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CONTROL COMPONENTS, INC.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-08-0338
	§	
KOSO AMERICA, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**AGREED ORDER**

Control Components, Inc. (“CCI”) brings this suit against defendants, Koso America, Inc., d/b/a Rexa Koso America and/or Rexa/Koso America (“Koso”), Juan Ricardo Simeoni (“Simeoni”), David Minoofar (“Minoofar”), Vinay Nagpal (“Nagpal”) and Sanjay Sherikar (“Sherikar”) (collectively Simeoni, Minoofar, Nagpal and Kherikar are referred to as the “Individual Defendants”) seeking among other things injunctive relief. The court entered a Temporary Restraining Order *ex parte* on January 30, 2008 in order to ensure that evidence in the case is preserved. On February 11, 2008, before the Individual Defendants had appeared, the court extended the Temporary Restraining Order for an additional period but with the understanding that once the Individual Defendants obtained representation and appeared that they would work with opposing counsel to reach an agreed preservation order. Based on the parties’ respective positions and submissions, the court now enters this order pending the preliminary injunction hearing scheduled for April 21, 2008.

It is ordered that:

1. Defendants Simeoni, Minoofar, Nagpal, and Sherikar may not use or disclose CCI's trade secrets or proprietary or confidential information, or copies of trade secrets or proprietary or confidential information, obtained from CCI.
2. Defendants Simeoni, Minoofar, Nagpal, and Sherikar may not destroy, delete, or alter any copies or originals of data, documents, electronic information, or technical information obtained from CCI and in Defendants' possession or control.
3. Defendants Simeoni, Minoofar, Nagpal, and Sherikar will make all data, documents, electronic information, or technical information taken from CCI that is still in the possession of the Individual Defendants available for inspection at the office of counsel for the Individual Defendants on **Monday, February 25, 2008**. (This does not include the Defendants' computers, hard drives, or USB drives that will be separately preserved and the discovery of which will be addressed in a subsequent order on a protocol for discovery of relevant information from computers and hard drives while at the same time protecting Defendants' personal, proprietary, and confidential information.) Within five (5) business days after inspecting the items, counsel for CCI will specifically identify in writing what, if any, information they contend is trade secret or proprietary or confidential information of CCI. Within five (5) business days of receiving the written designation, counsel for the Individual Defendants will return the designated item(s) to counsel for CCI but will retain a copy subject to an agreed protective order. Defendants may contest the status of any item(s) designated by CCI as trade secret or confidential or proprietary information.

4. Defendants' agreement to the entry of this Order does not waive any defenses that Defendants may wish to assert, including, but not limited to, defenses specified under Federal Rule of Civil Procedure 12(b), such as jurisdiction and venue challenges, and the right to seek to compel arbitration of the issues in dispute.

5. CCI will maintain and preserve all documents, tangible information, and electronically stored information pertaining to the issues in this litigation, including but not limited to the Individual Defendants' personnel files, all contracts and agreements with the Defendants, all statements of Defendants, all documents signed by Defendants, all computers or electronic media used by Defendants, all correspondence and memoranda mentioning Defendants, and all documents or information reflecting efforts by CCI to protect trade secrets or confidential or proprietary information or its disclosure of such information to third parties.

SIGNED on February 20, 2008, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge